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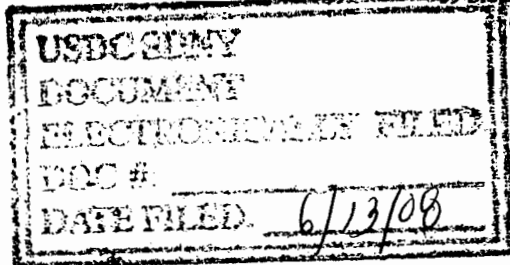
**MEMO ENDORSED**

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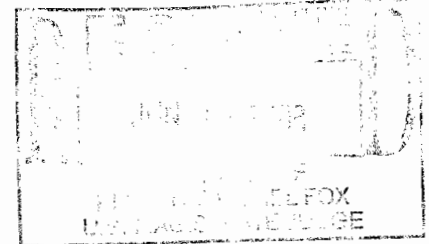


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Reply to New Jersey Office

June 11, 2008



**Via Facsimile (212) 805-6712**

The Honorable Kevin Nathaniel Fox (c/o Attn: Mr. Ed Pekarek)  
United States District Court  
For the Southern District of New York  
U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

Re: **CARLOS CAPA V. STEVEN BROADY**  
Civil Action No. 1:07 CV 10354  
Our File No. MNY 28-489 JDD/DJB

Dear Judge Fox:

We represent the defendant, Steven Broady, in the above-captioned matter. Per our conversation with Mr. Pekarek, he advised us to write to the Court via fax. As I spoke about with him, we are scheduled to appear before Judge Fox on June 30, 2008 for a Settlement Conference. This case is a motor vehicle accident in which Mr. Broady's insurance policy limits are \$100,000 and the plaintiff's settlement demand is \$95,000.

The insurer, Mercury, is located out of state and though not 100 miles away, we would respectfully request that a representative from Mercury with settlement authority be allowed to participate fully over the telephone. The plaintiff's counsel, Mr. Bluth, has consented to a representative participating by phone. As I advised, Mr. Broady is available to appear at the conference.

Thank you for your consideration.

6/13/08

Application granted.

SO ORDERED:

Kevin Nathaniel Fox

KEVIN NATHANIEL FOX, U.S.M.J.

Respectfully yours,

/S/Eric L. Polishook

ERIC L. POLISHOOK (7072)

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cc Via Facsimile  
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